

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Thursday, July 20, 2006.

Met at ten minutes past one o'clock P.M. (Ms. Menard in the Chair).

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman introduced Jay McManus of the Children's Law Center of Massachusetts.

There being no objection, the President handed the gavel to Mr. Brown for the purpose of an introduction. Mr. Brown introduced Mr. Joseph Shannon, Jr. of Jamaica Plain who won the opportunity to be "Shadow Senator for the Day" at an auction to benefit the Greater Boston Food Bank.

There being no objection, the President handed the gavel to Mr. Barrios for the purpose of an introduction. Mr. Barrios introduced members of the 6th and 9th grade at the Carroll School in Lincoln.

#### *Petition.*

Ms. Walsh presented a petition (subject to Joint Rule 12) of Marian Walsh, Mark C. Montigny, John D. Keegan and Frank M. Hynes and other members of the General Court and others for legislation to create an emergency investigative review board,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Report of a Committee.*

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain bridge in the city of Boston and the town of Dedham as the Honorable Robert Cawley Memorial Bridge (House, No. 5067).

### PAPERS FROM THE HOUSE.

#### Bills

Establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (House, No. 704, amended,— on petition);

Establishing a sick leave bank for a certain employee of the Trial Court (House, No. 4140,— on petition);

Relative to the disposition of land owned by the Department of Conservation and Recreation in the town of Rowley in exchange for certain other land located in the town of Rowley (House, No. 4661,— on petition);

Relative to the retirement allowance payable to Robert W. Noseworthy (House, No. 4841,— on petition); and

Establishing a sick leave bank for Frances M. Ravish, an employee of the Trial Court of the Commonwealth (House, No. 5071,—

on petition);

**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill establishing the Massachusetts military enhanced relief individual tax (MERIT) plan (House, No. 4660), and recommending that the same be referred to the committee on Veterans and Federal Affairs,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

*Recess.*

There being no objection, at eleven minutes past one o'clock P.M., the Chair (Ms. Menard) declared a recess; and at thirteen minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

Almighty God, Thou art our greatest benefactor. Grant us all the satisfying and reassuring sense of Thy presence, Thy power, Thy peace, that we may see and solve all our problems in the true and right manner. May we never champion any cause nor embark on any enterprise, nor support any effort that is not fully in accord with Thy holy will. We thank Thee for Thy guidance through this past week of hard work. Thy blessing and protection we ask for the Senators who endure the long and ever dangerous journey to their homes. Be with us, O Lord, as we all return to the sacred circle of our families for a weekend of joy and prayer with those who love us most, our own people. Amen.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Moore) “honoring Nellie Twardzik Thompson on her many accomplishments”; and Resolutions (filed by Mr. O’Leary) “celebrating the one hundred and fiftieth anniversary of Gay Head Light.”

#### **PAPER FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill providing for a partial release of certain land in the town of Hatfield from the operation of an agricultural preservation restriction (see House, No. 4472), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVYI of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.

**The bill was signed by the President and sent to the House for enactment.**

*Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows: The Senate Bill relative to entry on premises to examine gas and electric meters (Senate, No. 1807),— **was read a third time and, after remarks, was passed to be engrossed. Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

*Message from the Governor — Disapproval and Reductions in Economic Stimulus Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), which on Friday, June 16, 2006, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor. The message (House, No. 5101) was read; and the Senate proceeded to reconsider several items, which had been reduced or disapproved in accordance with the provisions of the Constitution.**

Section 15 (Office of International Trade) was considered as follows:

“SECTION 15. Section 23A of said chapter 23A, as so appearing, is hereby amended by adding the following 2 paragraphs:— The OITI executive director shall also serve as the Massachusetts trade representative. The purpose of the Massachusetts trade representative shall be to: (1) serve as the commonwealth’s official point of contact with the federal government on international

trade-related matters; (2) work with the executive office of economic development and other appropriate state agencies to analyze proposed and enacted international trade agreements and provide an assessment of the impact said agreements on the commonwealth's economy; (3) serve as the designated recipient of federal requests for the commonwealth to agree to be bound by investment, procurement, services or any other provisions of international trade agreements, including those which may infringe upon state law or regulatory authority reserved to the commonwealth; (4) serve as a liaison to the general court on matters of international trade policy oversight including, but not limited to, reporting to members of the general court on a regular basis on the status of ongoing international trade negotiations, international trade litigation, and dispute settlement proceedings with implications for existing state laws, state regulatory authority and international trade policy on the commonwealth's economy.

The trade representative shall, within 30 days of receipt, forward any requests or communications received from the United States Trade Representative relative to any issue of international trade, including requests seeking the commonwealth's consent to be bound by international trade agreements, to the clerk of the house of representatives and the clerk of the senate, who shall promptly refer the communications or requests to the joint committee on economic development and emerging technologies. The joint committee shall, within 30 days of receipt, conduct a public hearing on any request seeking the commonwealth's consent to be bound by an international trade agreement. The joint committee may issue a report within 120 days of the public hearing including a resolution to the general court relative to the recommendations of the committee on whether the commonwealth should consent to the international trade agreement in question and memorializing the commonwealth's trade representative and the governor to take appropriate measures within their power to advise the United States Trade Representative of the recommendations of the general court."

The question on passing section 15, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes before two o'clock P.M., as follows, to wit (*yeas 31 — nays 6*) [**Yeas and Nays No. 376**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>31.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.

Knapik, Michael R.	Tisei, Richard R. — 6.
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at three minutes before two o'clock P.M., section 15 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Message from the Governor — Disapprovals and Reductions in General Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation,— **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor. The message (House, No. 5150) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.**

Item 0640-0010 (Lottery Advertising) was considered as follows:

“0640-0010

For the promotional activities associated with the state lottery program; provided, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund 10,000,000”.

The question on passing item 0640-0010, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before two o'clock P.M., as follows, to wit (*yeas 30 — nays 7*) [**Yeas and Nays No. 377**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Brewer, Stephen M.
Augustus, Edward M., Jr.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Barrios, Jarrett T.	Fargo, Susan C.
Berry, Frederick E.	Hart, John A., Jr.
Havern, Robert A.	Murray, Therese
Jehlen, Patricia D.	Nuciforo, Andrea F., Jr.
Joyce, Brian A.	O'Leary, Robert A.
Knapik, Michael R.	Pacheco, Marc R.
Lees, Brian P.	Panagiotakos, Steven C.
McGee, Thomas M.	Resor, Pamela
Menard, Joan M.	Spilka, Karen E.
Montigny, Mark C.	Timilty, James E.
Moore, Richard T.	Tolman, Steven A.
Morrissey, Michael W.	Wilkerson, Dianne —

	<b>30.</b>
<b>NAYS.</b>	
Brown, Scott P.	Tisei, Richard R.
Creem, Cynthia Stone	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian — <b>7.</b>
Tarr, Bruce E.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at two o'clock P.M., item 0640-0010, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 3000-2000 (Department of Early Education and Care Regional Administration) was considered as follows:  
“3000-2000

For the regional administration of early education and care programs and services and related to early education and care activities; provided, that the activities shall include, but not be limited to, voucher management, regional child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents and coordination of waiting lists for state-subsidized early education and care; provided further, that the department shall administer the child care resource and referral system through the regional offices funded in this item; and provided further, that the regional offices shall collaborate with the board and commissioner of early education and care to produce the workforce development plan required under section 5 of chapter 15D of the General Laws 11,564,079”.

The question on passing item 3000-2000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute past two o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 378**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.

Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS.</b>	
Lees, Brian P.— <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at two minutes past two o'clock P.M., item 3000-2000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4120-3000 (MRC Employment Assistance and Services) was considered as follows:  
“4120-3000

For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$200,000 shall be expended for waitlist reduction for the community based employment program; provided further, that not less than \$100,000 shall be expended for the Charlestown Navy Yard Project for disabled adults in the Charlestown neighborhood of Boston; and provided further, that not less than \$200,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston 8,463,481”.

The question on passing item 4120-3000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes past two o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 379**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela

Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

Mr. Havern in the Chair, the yeas and nays having been completed at five minutes past two o'clock P.M., item 4120-3000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4120-4000 (Independent Living) was considered as follows:  
“4120-4000

For independent living assistance service; provided, that not less than \$949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that \$3,840,000 shall be expended for the independent living centers contracted with the commission; and provided further, that not less than \$200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth; provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and provided further, that not less than \$25,000 will be used to assist the Living Independently for Equality, Inc. of Brockton 10,597,486”.

The question on passing item 4120-4000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes past two o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 380**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.

Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at seven minutes past two o'clock P.M., item 4120-4000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4510-0600 (Environmental and Community Health Hazards Program) was considered as follows:

“4510-0600

For salary adjustments for clerks and assistant clerks and certain trial court employees pursuant to chapter 106 of the acts of 2005; provided, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 30 days before the expenditures or allocations are made 19,007,323”.

The question on passing item 4510-0600, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes past two o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 381**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.



Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at nine minutes past two o'clock P.M., item 4510-0600, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4512-0103 (Acquired Immune Deficiency Program) was considered as follows:  
“4512-0103

For acquired immune deficiency syndrome services and programs; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that no funds shall be transferred into the AA object class; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups afflicted by HIV/AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided further, that the department may contract for the administration of this program; provided further, that the costs of this administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2007 that would fund units in excess of the number of units funded on June 30, 2006; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2007 36,388,608”.

The question on passing item 4512-0103, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes past two o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 382**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.

Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at sixteen minutes past two o'clock P.M., item 4512-0103, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4513-1000 (Division of Family Health Services) was considered as follows:  
"4513-1000

For the operation of the bureau of family health services; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that not less than \$4,600,000 shall be expended for comprehensive family planning services, including HIV counseling and testing, community based health education and outreach services, provided by agencies certified as comprehensive family planning agencies, family planning clinics and primary care services for women and children; provided further, that of \$4,600,000, \$150,000 shall be allocated for a statewide hotline and other efforts to implement chapter 91 of the acts of 2005; provided further, that not less than \$300,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than \$100,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston; and provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning; provided further, that not less than \$100,000 shall be expended for the Springfield Public Health Department; provided further, that not less than \$50,000 shall be expended for the Molly Bish Institute for Child Safety at Mount Wachusett Community College; provided further, that not less than \$35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its unique bilingual AIDS education 5,364,721".

The question on passing item 4513-1000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes past two o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 383**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at nineteen minutes past two o'clock P.M., item 4513-1000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4513-1020 (Early Intervention Services) was considered as follows:  
 “4513-1020

For the early intervention program; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for the units of service paid by the department, the executive office of health and human services, and by third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided

further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended for a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided further, that priority shall be given to low and moderate income families; provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by the program and the amount of funds appropriated in this item granted to qualified families not later than February 1, 2007; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; and provided further, that nothing stated in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded in this item; provided further, that not less than \$1,000,000 shall be expended for the provision of cost reimbursement funding to certified Early Intervention programs 32,956,637”.

The question on passing item 4513-1020, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes past two o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 384**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— <b>3.</b>

Rosenberg, Stanley C.	
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The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., item 4513-1020, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4513-1130 (Domestic Violence and Sexual Assault Prevention and Treatment) was considered as follows:  
 “4513-1130

For the domestic violence and sexual assault prevention and treatment program; provided, that of the amount appropriated in this item, funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline for sexual abuse and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that not less than \$158,000 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community 3,735,066”.

The question on passing item 4513-1130, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes past two o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 385]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>

<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-three minutes past two o'clock P.M., item 4513-1130, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4518-0200 (Vital Records Retained Revenue) was considered as follows:

“4518-0200

The department may expend not more than \$261,687 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, requests for vital records not issued in person at the registry and research requests performed by registry staff at the registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; provided further, that the registrar of vital records and statistics shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility for Medicaid; and provided further, that, for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate, as reported in the state accounting system 261,687”.

The President in the Chair, after debate and pending the question of passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be laid on the table. Under the provisions of Senate Rule 24, the matter was laid over until the next session.

Item 4590-0250 (School Health Services) was considered as follows:

“4590-0250

For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class for any personnel-related costs; provided further, that services shall include, but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers; (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than \$350,000 shall be expended for the commission on gay and lesbian youth; provided further, that not less than \$200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity building activities; provided further, that not less than \$100,000 shall be expended to the H.E.L.P. program so-called, for black males health; provided further, that not less than \$15,000,000 shall be expended for school nurses and school based health centers; provided further, that \$150,000 shall be expended for the Childhood Obesity School Nutrition Pilot Project within the department of public health to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers, working with public schools, wishing to institute or maintain a school nutrition program designed to reduce childhood obesity, may submit an application to the department of public health indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed \$10,000 per school per year; provided further, that eligible programs must focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further one or more schools may be included in an application; and provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department 16,730,544”.

The question on passing item 4590-0250, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes before three o'clock P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 386**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>35.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Brown, Scott P. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-six minutes before three o'clock P.M., item 4590-0250, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4800-0091 (Federal Reimbursement for Social Worker Training Institute) was considered as follows:  
 "4800-0091

The department of social services may expend not more than \$3,000,000 in federal reimbursements received under Title IV-E of the Social Security Training Institute. Act during fiscal year 2007 for the purposes of developing a training institute for professional development of social workers at the department of social services with the University of Massachusetts Medical School and Salem State College; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$3,000,000 shall be credited to the General Fund; and provided further, that no funds shall be expended from this item for lease-purchases or the Family-Net system 3,000,000".

After debate, and pending the question of passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be laid on the table. Under the provisions of Senate Rule 24, the matter was laid over until the next session.

Item 5046-0000 (Adult Community Mental Health Services) was considered as follows:

“5046-0000

For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that not less than \$6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; provided further, that the department shall submit a report to the house and senate committees on ways and means no later than July 15, 2006 on the feasibility of expanding this diversion program to other regions of the commonwealth; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population and the types of services received in each region for fiscal year 2007 not later than February 1, 2007; provided further, that not less than \$2,750,000 shall be expended on the expansion of housing for the homeless mentally ill; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham; provided further, that not less than \$300,000 shall be expended to help create a pre-arrest jail diversion grant program at the Department of Mental Health to fund five (5) new programs, but not more than \$300,000 shall be expended for the creation of said programs; and provided further, that not less than \$75,000 shall be expended on expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that \$100,000 shall be expended for the Trauma Center at Riverside Community Care for the purposes of hiring a director and to ensure rapid response to traumatic events including but not limited to suicides; and provided further, that not less than \$1,900,000 shall be expended on mental health research 304,932,778”.

The question on passing item 5046-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [Yeas and Nays No. 387]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.



Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., item 5046-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 5920-3010 (Division of Autism) was considered as follows:

“5920-3010

For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than \$200,000 shall be expended for the purposes of a contract with Melmark New England, Inc. to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; provided further, that the home and community-based services waiver application submitted under chapter 107 of the acts of 2005 shall be submitted no later than July 31, 2006 ; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0-8, including children with autism spectrum disorder ages 0-3 receiving services through the department of public health; provided further, that no less than \$2,000,000 shall be expended for the purposes of providing services under this waiver; provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on education on the number of contracted support services provided for families with autistic children under this item, and the costs associated with those services, not later than March 1, 2007 ; and provided further, that the department shall submit copies of this waiver to the house and senate committees on ways and means and the joint committees on education no later than July 31, 2006 3,000,000”.

The question on passing item 5920-3010, contained in section 2, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes before three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 388**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F.,

	Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty minutes before three o'clock P.M., item 5920-3010, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 6000-0200 (LIFT Bus Service) was considered as follows:  
 “6000-0200

For the inter-district transportation program; provided, that this program shall include maintenance and expansion on routes serviced through the inter-district transportation program in fiscal year 2006; provided further, in fiscal year 2007 the level of service shall remain the same as fiscal year 2006; provided, that the program shall be administered by the executive office of transportation; provided further, that the executive office of transportation shall negotiate an extension of all existing contracts for fiscal year 2007; provided further, that before the execution of the extensions, and at the end of fiscal year 2007, the executive office shall request and each contractor shall provide all necessary books, materials, records and other compilations of data from each contractor to establish the appropriate state subsidy associated with each bus route; and provided farther, that the compilations of data shall be made available to the senate and house committees on ways and means and the joint committee on transportation not later than December 15, 2006 2,000,000”.

After debate, the question on passing item 6000-0200, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at one minute before three o'clock P.M., as follows, to wit (*yeas 31 — nays 4*) [**Yeas and Nays No. 389**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — <b>31.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Tisei, Richard R. — <b>4.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconiti, Stephen J.	Timilty, James E.
Rosenberg, Stanley C.	Tolman, Steven A.— <b>4.</b>

The yeas and nays having been completed at two minutes past three o'clock P.M., item 6000-0200, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 6010-0001 (Department of Highways Administration) was considered as follows:

“6010-0001

For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges, and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object code; provided further, that notwithstanding any general or special law to the contrary, the department may expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that the reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, submit to the secretary of transportation for approval requests to repair said vehicles costing in excess of the limit set forth in said section 7; provided further, that \$75,000 shall be expended for the operation of the Adult and Family Literacy Center at the Multi-Modal Transportation facility in Holyoke; provided further, that \$30,000 shall be expended for a highway traffic study in Mendon; provided further, notwithstanding any general or special law to the contrary, that \$50,000 shall be expended to repair the property located at 492 Gorham Street, Lowell; provided further, that \$350,000 shall be expended for the new Boston street bridge in Woburn; provided further, that the costs of routine highway maintenance chapter provided by private and union workers in contract areas 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C and for costs associated with police services and overtime within the areas shall be paid from this item; provided

further, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that not less than \$25,000 shall be expended for a transportation pilot program in Hopedale; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repairs 17,278,815

Highway Fund .....100.0% ”.

After debate, the question on passing item 6010-0001, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at three minutes past three o’clock P.M., as follows, to wit (*yeas 31 — nays 5*) **[Yeas and Nays No. 390]:**

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>31.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tisei, Richard R. — <b>5.</b>
Knapik, Michael R.	

<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at five minutes past three o'clock P.M., item 6010-0001, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7000-9401 (State Aid to Regional Public Libraries) was considered as follows:

“7000-9401

For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it considers proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston public library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to \$1.06 per resident in the commonwealth; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2007 distribution of funds appropriated in this item, the board of library commissioners shall employ population figures used to calculate the fiscal year 2006 distributions 15,730,361”.

[After remarks, the question on passing item 70009401, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eight minutes past three o'clock P.M., as follows, to wit (*yeas 35 — nays 1*) **[Yeas and Nays No. 391]**:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — <b>35.</b>

McGee, Thomas M.	
<b>NAYS.</b>	
Lees, Brian P.— 1.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— 3.
Rosenberg, Stanley C.	

The yeas and nays having been completed at ten minutes past three o'clock P.M., item 7000-9401, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7000-9501 (State Aid To Municipal Libraries) was considered as follows:  
 “7000-9501

For state aid to public libraries; provided, that notwithstanding any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of the city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding any general or special law to the contrary, the board of library commissioners may grant no more than 55 additional waivers in excess of the waiver limit set forth in the second paragraph of section 19A of chapter 78 of the General Laws in fiscal year 2007 for a period of not more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which this item exceeds the amount appropriated in chapter 194 of the acts of 1998, funds shall be distributed under the guidelines of the municipal equalization grant program and under the guidelines for the library incentive grant program; and provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held as a separate account and shall be expended by the public library of that city or town without appropriation, notwithstanding any general or special law to the contrary 9,289,844”.

The question on passing item 7000-9501, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past three o'clock P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 392**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.

Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — <b>35.</b>
McGee, Thomas M.	
<b>NAYS.</b>	
Lees, Brian P.— <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.— <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twelve minutes past three o'clock P.M., item 7000-9501, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7003-0605 (Massachusetts Manufacturing Extension Partnership) was considered as follows:

“7003-0605

For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership Inc. for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy 850,000”.

The question on passing item 7003-0605, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at thirteen minutes past three o'clock P.M., as follows, to wit (*yeas 33 — nays 3*) [**Yeas and Nays No. 393**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

	<b>33.</b>
Menard, Joan M.	
<b>NAYS.</b>	
Hedlund, Robert L.	Lees, Brian P. — <b>3.</b>
Knapik, Michael R.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at fourteen minutes past three o'clock P.M., item 7003-0605, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7003-0702 (Workforce Development One Time Grants) was considered as follows:  
 “7003-0702

For grants to be administered by the department of workforce development; provided, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance; provided further, that not less than \$750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance; and provided further, that an additional sum of not less than \$200,000 shall be held in reserve as a matching fund, to be release to the Commonwealth Corporation for the above-referenced high school science teacher training program upon a 100 per cent match from the private sector; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$500,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston; provided further, that not less than \$500,000 shall be expended for the Jackson Appleton Middlesex Urban Revitalization; provided further, that not less than \$500,000 shall be available for the Massachusetts Alliance for Small Contractors for the purpose of providing technical assistance, education, capacity-building and support services to small businesses, minority owned businesses and women businesses in pre-qualification and certification process required pursuant to chapter 193 of the acts of 2004; provided further that not less than \$350,000 shall be expended to fund need-based workforce development related to continuing education grants administered by the Access Program of Boston; provided further, that not less than \$300,000 shall be expended for a hospital skill training program operated by the Commonwealth Corporation; provided further that not less than \$300,000 shall be expended for Radius Specialty Hospital; provided further, that not less than \$250,000 shall be expended for a gang intervention prevention program called the Senator Charles E. Shannon Jr. At-Risk Youth Project in Somerville, operated by the Center for Teen Empowerment, Inc., for the community of Somerville; provided further; that not less than \$250,000 shall be expended for the Center for Women & Enterprise; provided further, that not less than \$250,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business but the grant shall require a 200 per cent match from the private sector; provided further, that not less than \$250,000 shall be expended for the 495/ MetroWest Corridor Partnership; provided further, that not less than \$250,000 shall be expended for a Farm Workers' Council serving low income people and the Hispanic population in western Massachusetts; provided further, that not less than \$200,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund; provided further, that not less than \$200,000 shall be expended for a health center skill training program on Lower and Outer Cape Cod; and provided further, that not less than \$200,000 shall be expended for the Women's Career Mentoring Program operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and The Women's Union Woman to Woman Program; provided further that not less than \$200,000 be expended for the Massachusetts Career Development institute located in Springfield; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further that \$150,000 shall be expended for the supportive housing program in the city of Fall River; provided further, that not less than \$150,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in the city of Worcester; and provided further, that not less than \$150,000 shall be expended for the Latino After School Initiative (LAST) Youth Development Project; provided further, that not less than \$139,500 shall be expended for Just-a-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that not less than \$135,000 shall be expended for incumbent



worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the Massachusetts Office of Employee Involvement and Ownership; provided further, that not less than \$125,000 shall be expended for a new job training initiative by Cape Cod Healthcare, and other health care institutions participating in the 1199 SEIU Training and Upgrading Fund; provided further, that not less than \$105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than \$100,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further that not less than \$100,000 shall be expended for the Springfield Technical Assistance Program to be operated by the Affiliated Chambers of Commerce of Greater Springfield; provided further, that \$100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not more than \$100,000 shall be expended for both the Reunion Center in the town of Easthampton and the Easthampton Youth Entrepreneurship Project; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion for the Pathways to Technology Initiative; provided further, that not less than \$100,000 shall be expended on the Lower Pioneer Valley Educational Collaborative for the purpose of expanding their electrical, plumbing, heating, ventilation and air conditioning apprenticeship programs; provided further, that not less than \$95,000 shall be expended for the Mature Workers Program of the Cape and Islands Workforce Investment Board; provided further, that not less than \$80,000 shall be expended for the retraining of pile drivers for employment in the offshore gas pipeline industry; provided further that not less than \$75,000 shall be expended to the Partners for a Healthier Community to implement the Springfield Health Careers Partnership Program, so-called, in the City of Springfield; provided further, that not less than \$75,000 shall be expended for a business retention program in the town of Millville to be operated by the Blackstone Valley Chamber of Commerce; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River; provided further, that not less than \$50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; provided further, that not less than \$9,000 shall be expended for Quincy Asian Resources, Inc. to provide outreach and services to the Asian American community; provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner; and provided further, that not less than \$6,000 shall be spent for the purpose of training municipal employees to use technology 9,634,000

Workforce Training Fund ..... 100.0% ”.

The question on passing item 7003-0702, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 394**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.

Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 36.
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — 3.
Rosenberg, Stanley C.	

The yeas and nays having been completed at sixteen minutes past three o'clock P.M., item 7003-0702, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-0099 (Department of Housing and Community Development Administration) was considered as follows:  
“7004-0099

For the operation of the department of housing and community development; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making these expenditures; provided further, that expenditures made against the account shall not be subject to appropriation and may include the cost of personnel; provided further, that notwithstanding any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9005, 7004-9009, 7004-9014, 7004-9019, 7004-9020, 7004-9024, 7004-9030, 7004-9033 and 7004-9316; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it considers necessary to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in federally assisted housing programs and that of members of the participants' households; provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign, and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; provided further that not less than \$100,000 shall be expended to the Springfield Neighborhood Housing Services, Inc., so-called, in Springfield to prevent foreclosures, assist first-time home buyers, and to create jobs; provided further, that not less than \$100,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester; provided further, that not less than \$25,000 be expended for Marlborough Community Development Corporation; provided further, that not less than \$10,000 shall be expended for the Turning Point Day Resource Center for the Homeless in the town of Wareham; provided further, that not less than \$100,000 shall be expended for the Indian Orchard Main Street Partnership; provided further, that not less than \$125,000 shall be expended for the Hungry Hill Development Corporation in the city of Springfield; provided further that \$61,200 shall be expended for the Worcester housing program; provided further, that not less than \$25,000 shall be expended for the Allston-Brighton Community Development Corporation's continued operation of a grant program to enhance housing quality standards; provided further, that not less than \$75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School; provided further, that \$100,000 shall be expended for ABCD North End elderly program; provided further, that not less than \$100,000 shall be expended for the Pleasant Street Neighborhood Network Center in Worcester; provided further, that not less than \$100,000 shall be expended for Neighbors in Need in Lawrence; provided further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition; provided further, that not less than \$400,000 shall be expended for Bare Meadow in Reading; provided further, that not less than \$100,000 shall be expended for Heritage State Park located in the Roxbury section of the city of Boston; provided further that not less than \$20,000 shall be expended to the Town of Braintree as a one-time community action grant for Thayer Public Library;

provided further that not less than \$100,000 be provided for maintenance on the Town Line Brook/Route 1 Tidal Gates in Revere; provided further, that \$50,000 shall be expended for athletic fields in Reading; provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural development programs; provided further, that no less than \$85,000 shall be expended for Biotech incubator space within the Smart Growth District in Lynn; provided further that \$75,000 shall be expended as a fifty percent (50%) match for environmental projects in the Towns of Fairhaven and Mattapoisett; provided further, that \$50,000 shall be expended for the Lincoln Perkins Project in Worcester; provided further, that \$75,000 shall be provided to World is Our Classroom, Inc. serving the towns of Holyoke, Westfield, Chicopee, and Greenfield; provided further, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that \$500,000 shall be expended for the Wallace Civic Center and Planetarium in the city of Fitchburg; provided further, that \$245,000 shall be provided to the town of Scituate for a pilot program for the community related to transportation; provided further, that not less than \$112,000 shall be expended for the maintenance of the Korean War Memorial of Central Massachusetts Walkway of Honor in Worcester; provided further, that not less than \$95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force; provided further, that funds appropriated herein shall be obligated for expenditure by the West Broadway Task Force for the purposes of tenant services provided by said Task Force; provided further, that funds appropriated herein shall not be expended by the Boston Housing Authority for discretionary purposes provided further, that not less than \$40,000 shall be expended for Methuen-Arlington Neighborhood, Inc.; provided further, that not less than \$50,000 shall be expended for the Cambridge Housing Authority Work Force Program; provided further, that \$70,000 shall be expended for upgrades to the Mansfield housing facility parking lot; provided further, that \$200,000 shall be expended on technical assistance for smart growth administration; provided further, that not less than \$200,000 shall be expended to cover costs associated with the relocation of tenants from the Julian D. Steele public housing project; provided further, that \$50,000 shall be expended for the Watertown Housing Authority; provided further, that not less than \$25,000 shall be expended as a grant to the Milford Area Chamber of Commerce to support the Draper Mill Re-Use Project in the town of Hopedale; provided further, that \$125,000 shall be expended for security devices for the Worcester Housing Authority; provided further, that no less than \$100,000 shall be expended for 2 computer centers operated by the Cambridge housing authority; provided further, that not less than \$105,000 shall be expended for Food for the World Pantry in Lawrence; and provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation 11,325,833”.

The question on passing item 7004-0099, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 2) [Yeas and Nays No. 395]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.

Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS</b>	
Brown, Scott P.	Hedlund, Robert L. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at eighteen minutes past three o'clock P.M., item 7004-0099, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-2475 (Soft Second Mortgage) was considered as follows:  
 "7004-2475

For the homeownership opportunity affordable housing program; provided, that all sums appropriated shall be used to write down interest rates on soft second mortgage loans for low and moderate income first-time home buyers 5,000,000".

The question on passing item 7004-2475, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nineteen minutes past three o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 396**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F.,

	Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS</b>	
Hedlund, Robert L.	Lees, Brian P. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty minutes past three o'clock P.M., item 7004-2475, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-9024 (Massachusetts Rental Voucher Program) was considered as follows:  
 “7004-9024

For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal poverty level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that any household in which a participant or member of a participant's household shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further, that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the contrary, the monthly dollar amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its rental unit in an amount exceeding 2 month's rent during any 1-year lease period shall be terminated from the program; provided further, that notwithstanding any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that the department shall pay agencies \$32.50 per voucher per month for the costs of administering the program; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent, and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which

will cause it to exceed the appropriation set forth in this item; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that these obligations may include, but need not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent these programs are available; provided further, that each participant shall be required to undertake and meet these contractually established obligations as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute this 12-month contract on or before September 1, 2006 if the participant's annual eligibility recertification date occurs between June 30, 2006 and September 1, 2006 and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that the department shall submit an annual report not later than February 1, 2007 to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level and the number and types of units leased that are funded from this item the number of new and existing units leased, the average household income of program participants, and the number of participant households where at least one household member is employed, for any vouchers relinquished by a recipient, the reason for the loss of such a voucher and the subsequent entry of such person into the private rental market or other subsidized housing; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; and provided further, that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2006 27,483,345".

The question on passing item 7004-9024, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 397]**:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.

Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., item 7004-9024, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7004-9316 (RAFT) was considered as follows:

“7004-9316

For a program to provide assistance for homeless families moving into subsidized or private housing and families at risk of becoming homeless due to a significant reduction of income or increase in expenses; provided, that the amount of financial assistance shall not exceed \$3,000 per family; provided further, that funds may be used for security deposits, first and last month's rent, electric, gas, sewer and water utility payments for those utility arrearages incurred on or after December 1, 2005; provided further, that assistance shall be administered by the department through contracts with the regional non-profit housing agencies; provided further, that no assistance shall be provided to any family with an income in excess of 50 per cent of the area median income; provided further, that prior to authorizing a residential assistance payment for a family, the non-profit housing agency shall make a finding that the family experienced a significant reduction of income or increase in expenses and has secured new income or a change in circumstances and that the payment, will enable the family to retain its current housing, obtain new housing, or otherwise avoid homelessness; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing, or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family who is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing, or otherwise avoid homelessness; provided further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments who the agencies determine would benefit from these services to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; provided further, that the program shall be administered under guidelines established by the department; and provided further, that the department shall provide a status report to the secretary of administration and finance and the house and senate committees on ways and means no later than March 1, 2007, that includes but is not limited to, all program expenditures, the number of recipients of the funds, the housing status of the recipients before and after receiving assistance, the purposes for which each family used the assistance, the administrative costs and other related costs of the program, including whether such recipient resided or continues to reside in state or federal public housing, and any other information necessary to determine the effectiveness of the program 5,000,000”.

The question on passing item 7004-9316, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-three minutes past three o'clock P.M., as follows, to wit (*yeas 35 — nays 1*) [**Yeas and Nays No. 398**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.



Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>35.</b>
McGee, Thomas M.	
<b>NAYS</b>	
Hedlund, Robert L. — <b>1.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-four minutes past three o'clock P.M., item 7004-9316, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 7007-0951 (Commonwealth Zoological Cooperation) was considered as follows:

“7007-0951

For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that \$50,000 shall be expended for the Buttonwood Park Zoo; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2007 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; and provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the Trailside Museum and the Chickatawbut Hill Center in the town of Milton; provided further that not less than \$750,000 shall be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo and Stone Zoo 6,850,000”.

After debate, the question on passing item 7007-0951, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes past three o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 399**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.

Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>34.</b>
<b>NAYS</b>	
Brown, Scott P.	Lees, Brian P. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-seven minutes past three o'clock P.M., item 7007-0951, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8000-0050 (Firefighting Equipment Grant Program) was considered as follows:  
 "8000-0050

For the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety; provided that grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so-called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award; provided further that no grant shall be awarded to the department of fire services; provided further that not later than February 1, 2007, the executive office of public safety shall submit a report to the house and senate committees on ways and means and to the secretary for administration and finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants and each municipality will provide the executive office of public safety with a comprehensive list of the best-practices that have been instituted as a result of these grants 2,500,000".

After debate, the question on passing item 8000-0050, contained in section 2, in concurrence, the of disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*)  
**[Yeas and Nays No. 400]:**

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconiti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-nine minutes past three o'clock P.M., item 8000-0050, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8100-0000 (State Police Administration) was considered as follows:

“8100-0000

For the administration and operation of the department of state police; provided further, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of environmental affairs at no cost to, or compensation from, that office; provided further, that not less than \$2,710,146 shall be expended for the payroll costs of the

state police directed patrols; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2006 shall receive 100 per cent of the amount so earmarked in fiscal year 2007; provided further, that not less than \$1,050,000 shall be expended to curb gang-related activities; provided further, that any municipality that was eligible to receive earmarked funds for curbing gang-related activities in fiscal year 2006 shall receive no less than \$50,000 in fiscal year 2007; provided further, that not less than \$10,000 shall be expended for the state police to provide police detail at the big E fair, including, but not limited to, a mounted unit to participate in the big E fair parade and a display of the state police mobile command center; provided further, that \$48,000 shall be expended for a regionalized emergency communication system in the central part of the state; provided further, that \$31,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that \$37,300 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$50,000 shall be expended for patrols in the Myles Standish state park in the town of Plymouth; provided further, that there shall be a study of the number of traffic citations written by state police officers in each measured mile of Massachusetts highways, including those operated by the Massachusetts Turnpike Authority; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board 220,931,717

Highway Fund ..... 88.20%  
 General Fund ..... 11.80% ”.

The question on passing item 8100-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a half past three o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 401**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.

Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-nine minutes before four o'clock P.M., item 8100-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8324-0000 (Department of Fire Services Administration) was considered as follows:  
"8324-0000

For the administration of the department of fire services, including the state fire marshal's office, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2007 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, under section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that \$25,000 shall be expended for the costs of operating the fire starters program by the Plymouth county juvenile court; provided further, that \$28,812 shall be expended for the costs of operating the Hampshire/Franklin juvenile fire setters intervention program; provided further, that \$100,000 shall be expended to Norfolk County for the purposes of the establishment of the Norfolk County dispatch center; and provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment, and supplies 10,927,047".

After debate, pending the question on passing item 8324-0000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the bill be laid on the table. Under the provisions of Senate Rule 24, the matter was laid over until the next session.

Subsequently, Mr. Lees moved to withdraw his motion to lay the matter on the table; and the veto was taken up forthwith. The question on passing the bill, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes before six o'clock P.M., as follows, to wit (*yeas 34 — nays 2*) [**Yeas and Nays No. 413**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.

Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian — <b>34.</b>
<b>NAYS</b>	
Lees, Brian P.	Timilty, James E. — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Wilkerson, Dianne — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at twenty-two minutes before six o'clock P.M., item 8324-0000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 8900-0001 (DOC Consolidated Facilities) was considered as follows:  
 "8900-0001

For the operation of the commonwealth's department of correction; provided, that the department shall expend not less than \$1,010,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety on the. per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety shall report to the house and senate committees on ways and means and public safety before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$192,000 shall be expended for the community that hosts the Bay State Correctional Center; provided further, that not less than \$200,000 shall be provided for the Aid to Incarcerated Mothers organization; provided further, that not less than \$80,000 shall be provided for the Dismas House in the city of Worcester; provided further, that the department shall expend not less than \$750,000 to the municipality hosting the facility at Cedar Junction; provided further, that the department shall expend not less than \$297,277 to the municipality hosting the MCI-Concord and Northeastern Correctional Center facilities in Concord; provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the parole board and the sex offender registry board; and provided further, that not less than \$100,000 shall be expended on Black Men of Greater Springfield, Inc., in the city of Springfield 452,347,512".

The question on passing item 8900-0001, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before four o'clock P.M., as follows, to wit (*yeas 34 — nays 3*) [**Yeas and Nays No. 402**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — <b>31.</b>
<b>NAYS.</b>	
Brown, Scott P.	Lees, Brian P. — <b>3.</b>
Hedlund, Robert L.	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twenty-one minutes before four o'clock P.M., item 8900-0001, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

A Bill making appropriations for the fiscal year 2006 to provide funding to promote the redevelopment of Fort Devens (House, No. 5062, — being a message from His Excellency the Governor).

**There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:  
The House Bill authorizing written majority authorization cards as evidence of collective bargaining results (House, No. 429) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

*Recess.*

There being no objection, at seventeen minutes before four o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the President declared a recess; and at twenty-seven minutes past four o'clock P.M., the Senate reassembled, Mr. Havern in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill relative to the sale of land in the city of Quincy by the Massachusetts Water Resource Authority (see Senate, No. 2190, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble, — was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 1. The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

*Message from the Governor — Disapprovals and Reductions in General Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No 5000), which on Friday, June 30, 2006, had been laid before the Governor for his approbation, — **came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message (House, No. 5150) was read; and the Senate proceeded to reconsider one item, which had been disapproved in accordance with the provisions of the Constitution.

Item 9110-1455 (Senior Prescription Drug Insurance) was considered as follows:

“9110-1455

For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs' vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A of the General Laws; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to section 39 of said chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that the executive office shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that this program is subject to appropriation and expenditures shall not exceed in fiscal year 2007 the amount authorized in this item; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the general court; provided further, that the department shall file all legislation required to implement such actions for review and analysis by the general court; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans; or by other plans which provide creditable prescription drug coverage as defined by section 104 of said Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; provided further, that the secretary shall not implement cost sharing increases during fiscal year 2007 unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court; provided further, that there shall be an open enrollment period, lasting not less than 1 month and not more than 2 months, that begin not later than November 15, 2006; provided, that the open enrollment shall be preceded by at least 30 days of advance public notice and marketing; provided further, that during the open enrollment period, individuals shall be enrolled in the program in the order in which the program receives their completed application; and provided further, that a person shall also be eligible to enroll in the program at any time within a year after reaching age 65 63,572,979”.



The question on passing item 9110-1455, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past four o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 403**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twenty-eight minutes before five o'clock P.M., item 9110-1455, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 9110-1635 (Homemaker Wage Add-On) was considered as follows:

“9110-1635

For a one-time rate add-on for wages, compensation and/or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services to elderly clients under items 9110-1500, 9110- 1630, and 4000-0600 1,000,000”.

**[The Governor disapproved this item.]**

After debate, the question on passing item 9110-1635, contained in section 2, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes before five o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) **[Yeas and Nays No. 404]:**

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twenty-five minutes before five o'clock P.M., item 9110-1635, contained in section 2, stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 9110-9002 (Councils on Aging Grants) was considered as follows:

“9110-9002

For the local services program for grants to the councils on aging and for grants to or contracts with non-public entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided that not less than \$50,000 shall be provided to the LGBT Aging; and provided further, that such distribution schedules shall be submit] to the house and senate committees on ways and means 7,550,000”.

[The Governor reduced this item by \$250,000 and struck the following wording “; provided that not less then \$50,000 shall be provided to the LGBT Aging”.)

After remarks, the question on passing item 9110-9002, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-four minutes before five o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 405**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twenty-two minutes before five o'clock P.M., item 9110-9002, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 4 (Commission on Gay and Lesbian Youth) was considered as follows:

“SECTION 4. Chapter 3 of the General Laws is hereby amended by adding the following section:—

Section 67. (a) There shall be a permanent commission on gay and lesbian youth, which shall consist of 27 persons as follows: 3 persons appointed by the Massachusetts chapter of the National Association of Social Workers, 3 persons appointed by the Massachusetts Coalition for Suicide Prevention, 2 persons appointed by the Fenway Community Health Center, 4 persons appointed by the Greater Boston Parents, Families and Friends of Lesbians and Gays, 2 persons appointed by the Massachusetts Gay and Lesbian Political Caucus, 1 person appointed by MassEquality, 1 person appointed by the Massachusetts Teachers Association, 1 person appointed by AFT Massachusetts, 3 persons appointed by the Massachusetts Chapter of the American Academy of Pediatrics, 2 persons appointed by the Gay, Lesbian and Straight Education Network of Boston, 2 persons appointed by the Massachusetts Public Health Association, and 3 persons appointed by the Massachusetts Association of School Superintendents. The membership of the commission shall include at least 1 parent of a gay or lesbian person; 1 high school student; 1 college student; 1 representative from an educational institution; and 1 representative of the mental health professions. Members of the commission shall be drawn from diverse racial, ethnic, religious, age, sexual-orientation and socio-economic backgrounds from throughout the commonwealth. Members shall be considered special state employees for purposes of chapter 268A of the General Laws. The commission shall be an independent agency of the commonwealth and shall not be subject to the control of any other department of agency.

(b)(1) Members shall serve terms of 2 years and until their successors are appointed.

(2) Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(3) Appointments shall be made in consultation with gay and lesbian organizations. Nominations shall be solicited between August 1 and November 1 of each year through an open application process using a uniform application that is widely distributed throughout the state.

(4) The commission shall elect annually from among its members a chair. The chair of the commission may designate on an annual basis 1 or more commission members as vice-chairs of the commission, and may appoint on an annual basis members of the commission as chairs of advisory committees on high school education, higher education, human services and youth. The chair of the commission may create other advisory committees as needed after consultation with the commission.

(5) The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(c) The commission shall investigate the use of resources from both the public and private sectors to enhance and improve the ability of state agencies to provide services to gay and lesbian youth. In furtherance of that responsibility, the commission shall:

(1) work in partnership with the department of education and the department of public health to create school-based and community-based programs focusing on suicide prevention, violence intervention, and the promotion of zero-tolerance policies regarding harassment and discrimination against gay and lesbian youth; and (2) make recommendations about policies and programs supporting gay and lesbian youth on an ongoing basis to the department of education, the department of public health and the executive office of health and human services. The commission shall annually, on or before June 2, report the results of its findings and activities of the preceding year and make recommendations relating to the concerns of gay and lesbian youth to the governor and to the clerks of the senate and house of representatives.

(d) The powers of the commission shall include but not be limited to the following: (1) to use voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed; (2) to recommend policies and make recommendations to agencies and officers of the commonwealth and local subdivisions of government to effectuate the purposes of subsection (c); (3) to select an executive director and to acquire adequate staff to perform its duties, subject to appropriation; (4) to establish and maintain offices that it considers necessary, subject to appropriation; (5) to enact by-laws for its own governance; (f) to appoint members to regional chapters of the commission; and (6) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it may consider necessary.

(e)(1) The commission may request from all state agencies such information and assistance as the commission may require.

(2) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds, for any of the purposes of this section. These funds shall be deposited in a separate account with the state treasurer, be received by the treasurer on behalf of the commonwealth, and be expended by the commission in accordance with law.”

The question on passing section 4, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes before five o'clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 406**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M.,	Montigny, Mark C.

Jr.	
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS</b>	
Brown, Scott P. — <b>1 .</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at twenty minutes before five o'clock P.M., section 4 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 48 (Transfer of the MetroZoos Zoological Trust to the Office of Tourism) was considered as follows:

“SECTION 48. Chapter 92 of the General Laws is hereby amended by striking out section 34A, as so appearing, and inserting in place thereof the following section:—

Section 34A. The executive director of the office of travel and tourism, in this section called the executive director, may receive and hold in trust for the commonwealth, exempt from taxation, any instrument of value, including but not limited to any gift or bequest of money or other personal property, and any grant or devise of lands or rights in land for the purpose of fostering and advancing the MetroZoos zoological parks of the commonwealth, and shall administer the same in such a manner as to carry out the terms of those bequests or gifts, grants, or devises. All money and securities received hereunder shall be transferred to the state treasurer, who shall preserve and invest the proceeds thereof, in notes or bonds secured by good and sufficient mortgage or other securities. The trust property shall be known as the MetroZoos Zoological Trust and shall be used and expended under the direction of the executive director after notification to the office of travel and tourism. Subject to the terms of any grant, gift, devise, or bequest, the office of travel and tourism may expend these funds, whether principal or income.”

After debate and pending the question on passing section 48, in concurrence the disapproval of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be postponed until Thursday, July 27.

Section 49 (Transfer of the Commonwealth Zoological Trust to the Office of Tourism I) was considered as follows:  
“SECTION 49. Chapter 92B of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:—

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:—

‘Board’, the board of directors of the Commonwealth Zoological Corporation.

‘Corporation’, the Commonwealth Zoological Corporation.

‘Executive director’, the executive director of travel and tourism.

‘Member’, a member of the board of directors of the Commonwealth Zoological Corporation.

‘Office’, the office of travel and tourism.

‘Society’, the Boston Zoological Society.

‘Zoos’, Franklin Park Zoo and Walther D. Stone Memorial Zoo.”

Pending the question on passing section 49, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be postponed until Thursday, July 27.

Section 50 (Transfer of the Commonwealth Zoological Trust to the Office of Tourism II) was considered as follows:  
“SECTION 50. Section 2 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 3, 4, 10 and 12, the word ‘commission’ and inserting in place thereof, in each instance, the following word:— office; and by inserting after the word ‘the’, in line 6, the following word:— executive.”

Pending the question of passing section 50, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be postponed until Thursday, July 27.

Section 51 (Transfer of the Commonwealth Zoological Trust to the Office of Tourism III) was considered as follows:  
“SECTION 51. Section 4 of said chapter 92B, as so appearing, is hereby amended by striking out, in line 6, the word ‘division’ and inserting in place thereof the following word:— office”.

Pending the question of passing section 51, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be postponed until Thursday, July 27.

Section 52 (Transfer of the Commonwealth Zoological Trust to the Office of Tourism IV) was considered as follows:  
“SECTION 52. Section 5 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 10 and 11, the word “commissioner” and inserting in place thereof the following words:— executive director.”

Pending the question of passing section 52, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, Mr. Lees moved that the item be postponed until Thursday, July 27.

Section 129 (Governor’s Commission on Gay and Lesbian Youth) was considered as follows:  
“SECTION 129. Notwithstanding section 67 of chapter 3 of the General Laws, until January 1, 2007, the commission on gay and lesbian youth established by said section 67 of said chapter 3 shall consist of the members of the governor’s commission on gay and lesbian youth on July 1, 2006.”

The question on passing section 129, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes before five o’clock P.M., as follows, to wit (*yeas 36 — nays 1*) [**Yeas and Nays No. 407**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.

Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>37.</b>
<b>NAYS</b>	
Brown, Scott P. — <b>1 .</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at five o'clock P.M., section 129 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4800-0041 (Group Care Services) was considered as follows:  
"4800-0041

For group care services; provided, that funds may be expended from this item to provide intensive community based services to children who would otherwise be placed in residential settings; provided further, that the department shall form area review teams that shall evaluate the feasibility of maintaining the child in the community in this manner wherever possible before recommending placement in a residential setting; and provided further, that the department shall provide quarterly reports to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means detailing the number of children diverted from residential settings, the programs in which they were placed, the associated cost savings from the diversion and any other measurements that would help assess the success of these programs in promoting the health and well-being of children 235,963,159".

The question on passing item 4800-0041, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter 1, Section I, Article II, of the Constitution, at one minute past five o'clock P.M., as follows, to wit (*yeas 37 — nays 0*) [Yeas and Nays No. 408]:

<b>YEAS.</b>	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>37.</b>
McGee, Thomas M.	
<b>NAYS — 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — <b>2.</b>

The yeas and nays having been completed at three minutes past five o’clock P.M., item 4800-0041, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The recommitted Senate Bill to promote alternative dispute resolution (Senate, No. 2607),— **was considered, the recurring question being on passing it to be engrossed.**

Mr. Havern offered an amendment, substituting a new draft entitled “An Act promoting alternative resolution of certain public works disputes” (Senate, No. 2655).

The amendment was **adopted.**

**The bill (Senate, No. 2655) was then passed to be engrossed.**

**Sent to the House for concurrence.**

*Reports of Committees.*

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to hazardous materials mitigation (House, No. 1315, amended).

**There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to the modernization of optometric patient care (Senate, No. 1277).



**There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time and ordered to a third reading.**

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the cancellation or modification of an insurance producer's contract (House, No. 1545).

**There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Report of a Committee.*

Mr. Buoniconti, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to senior housing (House, No. 3189).

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time.

Mr. Joyce presented an amendment, adding the following section:—

“SECTION 3. This act shall apply only to dwelling units constructed after the effective date of this act.”.

The bill, as amended, was then ordered to a third reading and read a third time, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating senior housing”.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at seven minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 409**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	

Buoniconti, Stephen J.	Timilty, James E. — 3.
Rosenberg, Stanley C.	

The yeas and nays having been completed at ten minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer, Edward M. Augustus, Jr. and George N. Peterson, Jr. for legislation to amend the conveyance of a certain parcel of land in the town of Grafton.

Senate Rule 36 was suspended, on motion of Mr. Tolman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Charles A. Antonelli for legislation relative to genital mutilation.

**Senate Rule 36 was suspended, on motion of Mr. Tolman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Severally sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5209) of Harold P. Naughton, Jr., relative to concurrent jurisdiction of certain properties by the towns of Harvard and Ayer at the former Devens Army Base,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.**

#### *Engrossed Bills.*

The following engrossed bills (the first three of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation, to wit:

Establishing the Asian American Commission (see Senate, No. 2201, amended);

Relative to appointment of a non-civil service chief of police in the city of Somerville (see Senate, No. 2519);

Authorizing the appointment of special police officers in the city of Somerville (see Senate, No. 2520);

Relative to authorizing written majority authorization as evidence of collective bargaining results (see House, No. 429);

Providing for a partial release of certain land in the town of Hatfield from the operation of an agricultural preservation restriction (see House, No. 4472);

Regulating the appointment of apprentice linemen (see House, No. 4669); and

Making appropriations for the fiscal year 2006 to provide funding to promote the redevelopment of Fort Devens (see House, No. 5062).

An engrossed Bill further regulating the use of target shooting weapons (see House, No. 4552, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twelve minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 410**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.

Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian.— <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Wilkerson, Dianne. — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at fourteen minutes past five o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

An engrossed Bill amending the toxics use reduction act (see Senate, No. 2250) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at a quarter past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 411**]:

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.

Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian.— <b>36.</b>
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Wilkerson, Dianne — <b>3.</b>
Rosenberg, Stanley C.	

The yeas and nays having been completed at seventeen minutes past five o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

*Report of a Committee.*

The following report was considered, the time within which the said committee was required to report having expired:—  
Of the committee on Public Service, ought NOT to pass (under Joint Rule 10) on the recommitted petition (accompanied by bill, Senate, No. 2568) of James E. Timilty, Philip Travis, Virginia M. Coppola and Elizabeth A. Poirier (by vote of the town) for legislation to exempt Craig Blake of Norton from the maximum age requirements for appointment as a firefighter in the town of Norton.

**The rules were suspended, on motion of Mr. Pacheco, and, on further motion of the same Senator, the petition was recommitted to the joint committee on Public Service.**

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON, 02133-1053

William F. Welch, Clerk  
Massachusetts State Senate  
State House  
Boston, MA 02133

Dear Mr. Clerk:

On Wednesday, July 19, 2006 I was absent from the chamber due to another commitment and missed six (6) roll call votes. Had I been present, I would have voted in the affirmative on the following FY07 Budget Items: 0840-0100, 1231-1000, 1599-0042, 1599-6901, 3000-5000, and 3000-7050.

Thank you for your attention to this matter.

*Sincerely,*  
*Dianne Wilkerson,*  
State Senator,  
Second Suffolk District.

On motion of Mr. Berry, the above communication was ordered printed in the Journal of the Senate.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Ms. Wilkerson) “honoring the memory of John Andrew Ross.”

*Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:  
The House Bill relative to the disposal of dredged material in Buzzards Bay (House, No. 4884),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill designating a certain bridge in the city of Boston and the town of Dedham as the Honorable Robert Cawley Memorial Bridge (House, No. 5067),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

There being no objection, Mr. Moore withdrew his motion to lay on the table the Senate Bill relative to dementia special care units in long-term care facilities (Senate, No. 2652),— The question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-seven minutes past five o'clock P.M., on motion of Mr. Moore, as follows, to wit (*yeas 35 — nays 0*)  
**[Yeas and Nays No. 412]:**

<b>YEAS.</b>	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian — <b>35.</b>
Lees, Brian P.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C.
Menard, Joan M.	Wilkerson, Dianne — <b>4.</b>

The yeas and nays having been completed at twenty-nine minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence.

## PAPERS FROM THE HOUSE.

### *Engrossed Bill — Amended.*

An engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— came before the Senate.

On motion of Mr. Barrios, Senate Rule 49 was suspended.

On motion of Mr. Creedon, the engrossed bill was amended in section 3, in the first sentence of proposed section 35A of chapter 217 of the General Laws, by striking out the figure “75.47” and inserting in place thereof the following figure:— “81.57”.

**Sent to the House for concurrence in the amendment.**

Mr. Nuciforo moved that the House Bill relative to kayak safety (House, No. 4949),— **be taken from the table and further moved that the rules be suspended so that the matter may be considered forthwith; but objection was made thereto by Mr. Lees.**

**In accordance with the provisions of Senate Rule 24, the consideration of the motion to take from the table was postponed, without question, until the next session.**

### *Recess.*

There being no objection, at twenty minutes before six o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Mr. Havern) declared a recess; and at three minutes before seven o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

### *Suspension of Senate Rule 38A.*

Mr. Lees moved that Senate Rule 38A, be suspended to allow the Senate to stay in session beyond the hour of eight o'clock P.M.; and that the requirement of a call of the yeas and nays for suspension of said rule shall be suspended thereto. There being no objection, the motion was considered forthwith; and it was adopted.

### *Recess.*

There being no objection, at four minutes past seven o'clock P.M., the Chair (Mr. Havern) declared a recess; and at twenty-eight minutes past eight o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

## PAPERS FROM THE HOUSE.

### *Engrossed Bills.*

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation, to wit:

Relative to hazardous materials mitigation (see House, No. 1315, amended);

Relative to the cancellation or modification of an insurance producer's contract (see House, No. 1545);

Relative to the disposal of dredged material in Buzzards Bay (see House, No. 4884); and

Designating a certain bridge in the city of Boston and the town of Dedham as the Honorable Robert Cawley Memorial Bridge (see House, No. 5067).

### *Report of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5210, amended),— ought to pass, with an amendment by inserting before section 3 the following 2 sections:—

“SECTION 2½. Section 1A of chapter 15D of the General Laws, inserted by chapter \_\_\_ of the acts of 2006, is hereby amended by striking out the definition of ‘Placement agency’ and inserting in place thereof the following definition:—

‘Placement agency’, a department, agency or institution of the commonwealth, or any political subdivision thereof, or a person who provides custodial care and social services to children and who receives, by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption.

SECTION 2¾. Subsection (b) of section 19L of chapter 90 of the General Laws, inserted by chapter 120 of the acts of 2006, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Municipal police officers or municipal police departments shall not conduct terminal audits.”

And by adding the following 2 sections:—

“SECTION 16. In connection with the construction of a hospital or hospital related buildings only and, notwithstanding any general or special law or rule or regulation to the contrary, no height limit shall be imposed pursuant to the General Laws upon Parcel 6 in the Charlestown Navy Yard except for that promulgated under chapter 91 of the General Laws governing the height of new or expanded buildings for non-water dependent use as a function of separation from the Little Mystic and Main Channel,

which shall be measured only from the project shoreline bordering said channels at the north by northeasterly end of said Parcel 6, provided however that the base of any building or buildings on said Parcel 6 shall be setback from 16th Street in accordance with the requirements of the Design Guidelines established in the Memorandum of Agreement dated June 1978 by and among the General Services Administration, the Advisory Counsel on Historic Preservation, the Massachusetts State Historic Preservation Officer and the Boston Redevelopment Authority, as that Memorandum of Agreement and Design Guidelines has, or may be amended from time to time; provided further, that any portion of those buildings above the first 2 stories shall be further setback a minimum of an additional 25 feet; and provided further, that the secretary of environmental affairs has determined that the project, of which such construction is a part, adequately and properly complies with sections 61 to 62H, inclusive, of chapter 30 of the General Laws, and the Boston Redevelopment Authority has issued an adequacy determination for the project of which such construction is a part pursuant to article 80 of the Boston zoning code.

SECTION 17. Notwithstanding any general or special law to the contrary, the withdrawal of water from Spot Pond reservoir by the town of Winchester under the Spot Pond Elevation Management Agreement between the town of Winchester and the Massachusetts Water Resources Authority dated October 27, 2002 shall be considered a water sharing agreement for the purposes of chapter 21G of the General Laws and as defined in 310 CMR 36.00. So long as the agreement remains in effect and the town of Winchester withdraws water from Spot Pond in compliance with this agreement, the withdrawal of water from Spot Pond shall not require registration or a permit under said chapter 21G.”

Mr. Nuciforo moved that the rules be suspended so that the matter may be considered forthwith; but objection was made thereto by Mr. Knapik.

**Under Senate Rule 26, referred to the committee on Ethics and Rules.**

**Subsequently, Mr. Buoniconti, for the said committee, reported that the matter be placed in the Orders of the Day for the next session.**

**The rules were suspended, on motion of Mr. Creedon, and the bill was read a second time.**

**After debate, the pending amendment, previously recommended by the committee on Ways and Means was adopted and the bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

*Report of a Committee.*

By Mr. Buoniconti, for the committee on Ethics and Rules, on Senate, No. 2436, in part, a “Bill relative to the licensing of sign installers” (Senate, No. 202).

There being no objection, the rules were suspended, on motion of Mr. Lees, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows; “An Act providing for the licensing of sign installers”.

**Sent to the House for concurrence.**

**PAPERS FROM THE HOUSE.**

*Engrossed Bill.*

An engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

*Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the city of Revere to use certain dedicated park land for school purposes (see House, No. 4546) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven past nine o’clock P.M., as follows, to wit (*yeas 34 — nays 0*) [**Yeas and Nays No. 414**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.

Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Wilkerson, Dianne — <b>34.</b>
Lees, Brian P.	
<b>NAYS —0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Walsh, Marian — <b>5.</b>
Resor, Pamela	

The yeas and nays having been completed at twenty-nine minutes past nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

A Bill authorizing the town of Topsfield to grant an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4810,— on House, No. 4268)],— **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed to read as follows; “An Act authorizing the town of Topsfield to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises”.**

*Recess.*

There being no objection, at a quarter before ten o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Mr. Havern) declared a recess; and at twelve minutes before eleven o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

#### **PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted.*

An engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5210, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 0.**

**The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.**



A Bill relative to the renewable energy portfolio standard (House, No. 5090, amended,— on House, No. 3280),— **was read. There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relative to welfare reform (House, No. 4378) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2217), reported, a Bill relative to welfare reform (House, No. 5212),— **came from the House, and was read.**

**Senate Rule 36 was suspended on motion of Ms. Murray, and the report was considered forthwith.**

After remarks, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at eighteen minutes past eleven o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 22 — nays 10*) [**Yeas and Nays No. 415**]:

<b>YEAS.</b>	
Antonioni, Robert A.	Hart, John A., Jr.
Augustus, Edward M., Jr.	Havern, Robert A.
Barrios, Jarrett T.	Jehlen, Patricia D.
Berry, Frederick E.	Joyce, Brian A.
Creedon, Robert S., Jr.	McGee, Thomas M.
Fargo, Susan C.	Menard, Joan M.
Montigny, Mark C.	Panagiotakos, Steven C.
Moore, Richard T.	Spilka, Karen E.
Murray, Therese	Tolman, Steven A.
O'Leary, Robert A.	Tucker, Susan C.
Pacheco, Marc R.	Wilkerson, Dianne — <b>22.</b>
<b>NAYS.</b>	
Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. — <b>10.</b>
<b>PAIRED.</b>	
<b>YEA. NAY.</b>	
Cynthia Stone Creem	Harriette L. Chandler (present) — <b>2.</b>
<b>ABSENT OR NOT VOTING.</b>	
Buoniconti, Stephen J.	Timilty, James E.
Nuciforo, Andrea F., Jr.	Walsh, Marian — <b>5.</b>
Resor, Pamela	

The yeas and nays having been completed at twenty-three minutes past eleven o'clock P.M., the report was accepted, in concurrence.

*Engrossed Bill.*

An engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5210, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President (Mr. Havern) and laid before the Governor for his approbation.

*Suspension of Senate Rule 38A½.*

Mr. Berry moved that Senate Rule 38A½, be suspended to allow the Senate to stay in session beyond the hour of twelve o'clock midnight; and that the requirement of a call of the yeas and nays for suspension of said rule shall be suspended thereto. There being no objection, the motion was considered forthwith; and it was adopted.

**PAPERS FROM THE HOUSE.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill relative to welfare reform (see House, No. 5212), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble, was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 1.

The bill was signed by the Acting President (Mr. Havern) and sent to the House for enactment.

Ms. Spilka in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Ms. Spilka) and laid before the Governor for his approbation.

*Order Adopted.*

Mr. Havern in the Chair, on motion of Ms. Spilka,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjournment in Memory of Army Sergeant Mark Vecchione.*

The Senator from the Cape and the Islands, Mr. O'Leary, requested that when the Senate adjourns today, it do so as a mark of respect to the memory of Army Sergeant Mark Vecchione of Eastham.

Sergeant Vecchione was killed in the line of duty this week while serving his country in Iraq. He was just six months away from completing his second tour of duty in Iraq, having re-enlisted after his first tour to continue to serve his country and to support his fellow soldiers. Known as a kind, selfless, and loyal young man, Sergeant Vecchione, joined the Army shortly after the events of September 11 and hoped to pursue higher education when he returned. The Senate would like to express our sincerest gratitude to Sergeant Vecchione for his willingness to serve his country that he so loved, and to extend our deepest condolences to his mother, Cynthia DesLauriers, and his sister, Lori Vecchione.

Accordingly, as a mark of respect to the memory of Army Sergeant Mark Vecchione of Eastham, at four minutes before twelve o'clock midnight, on motion of Ms. Spilka, the Senate adjourned to meet again on Monday next at one o'clock P.M. in a full formal session.